

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ERNSY ETIENNE

PETITIONER

- v -

UNITED STATES OF AMERICA RESPONDENT

PETITION TO QUASH SUMMONS

CV 12 - 2035

VITALIANO, J.
LEVY, M.J.

I. Parties:

ERNSY ETIENNE
19 FOSTER AVE
VALLEY STREAM NY 11580

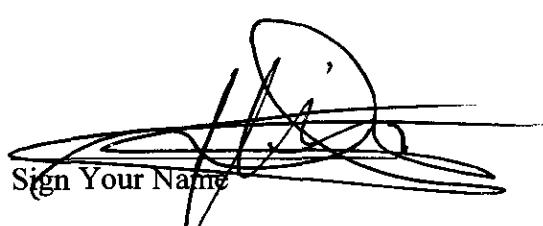
UNITED STATES OF AMERICA

II. The jurisdiction of the Court is invoked pursuant to Internal Revenue Code Section 7609(h).

III. Statement of Claim.

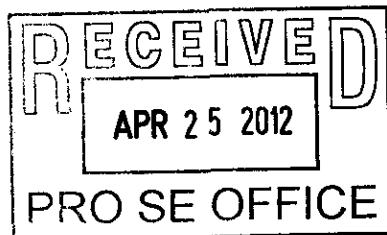
I would like the court to grant me the petition because I was audited for my personal income tax for 2010. That doesn't have anything to do with my corporation. My corporation is a separate entity from my personal income. However the bank information is related to LA VERITE RESTAURENT, BAR & LOUNGE, INC. that have nothing to why personal income tax.

4/25/12
Date


Sign Your Name

917-723-6897

Telephone Number



Bank of America
Legal Order Processing
5701 Horatio Street
Utica, NY 13502



April 11, 2012

LA VERITE RESTAURENT, BAR & LOUNGE, INC.
19 FOSTER AVE
VALLEY STREAM, NY 11580-2965

RE: Reference # U040912000548

Case: ERNSY ETIENNE

Customer Name:

RE: NOTICE OF LEGAL PROCESS

Bank of America, N.A. has received a subpoena and/or summons pertaining to the above referenced case. The Bank is obligated to comply and produce the requested records and information, unless we receive a court order ordering us not to do so, Bank of America will be producing the documents on 04/27/12. If you wish to contest this procedure, you should consult with an attorney as soon as possible.

Please be advised that the party that issued the request does not disclose the reason for the request of your records. If you need further information, please contact the party that issued the subpoena. Any questions or concerns you may have regarding this subpoena and /or summons should be addressed directly with the requestor. For your convenience, we have listed the contact information below

Should you need to forward any additional correspondence to us regarding this matter, please direct it to the address noted above. When contacting the Bank regarding this subpoena please use the Reference # U040912000548.

Legal Order Processing
315-734-8300

INTERNAL REVENUE SERVICE
REBECCA BACKMAN
1 LEFRAK CITY PLAZA
CORONA, NY 11368
718-760-6162



Summons

In the matter of Ernsy Etienne

Internal Revenue Service (Division): Small-Business/ Self-Employed

Industry/Area (name or number): NORTH ATLANTIC

Periods: for the period beginning December 1 2009 and ending January 31, 2012

The Commissioner of Internal Revenue

To: BANK OF AMERICA

At: Attn: Legal Order Processing Department, 5701 Horatio Street Utica NY 13502

You are hereby summoned and required to appear before Rebecca Backman, Revenue Agent 1000923057 or her designee an officer of the Internal Revenue Service, to give testimony and to bring with you and to produce for examination the following books, records, papers, and other data relating to the tax liability or the collection of the tax liability or for the purpose of inquiring into any offense connected with the administration or enforcement of the internal revenue laws concerning the person identified above for the periods shown.

1. Copies of all negotiable instruments, both deposited and purchased by the above individuals for themselves and or on behalf of others for the above periods.
2. Copies of all negotiable instruments cashed during the above periods.
3. Copies of deposit slips and copies of all deposited items into all accounts maintained in the names of above individuals for the above noted period.
4. Copies of withdrawal slips of all cash withdrawals from all accounts, including but not limited to accounts in which the above individuals have control of directly or indirectly for the above noted periods.
5. Copies of documents of all domestic and or international wire and money transfers during the above noted periods.
6. Copies of bank statements and copies of all cancelled checks of all accounts in the name of the above noted individuals as owners or nominees.

IN LIEU OF PERSONAL APPEARANCE THE DOCUMENTS REQUESTED MAY BE MAILED TO REVENUE AGENT AT:

Internal Revenue Service
One Lefrak City Plaza
Corona NY 11368

Do not write in this space

Business address and telephone number of IRS officer before whom you are to appear:

Place and time for appearance at Internal Revenue Service, 1 Lefrak City Plaza, Corona NY 11368



Department of the Treasury
Internal Revenue Service

www.irs.gov

Form 2039 (Rev. 12-2008)
Catalog Number 21405J

on the 30th day of April, 2012 at 10:00 o'clock AM m.

Issued under authority of the Internal Revenue Code this 5th day of April, 2012.

Signature of issuing officer

Internal Revenue Agent

Title

Group Manager

Title

Signature of approving officer (if applicable)

Part C — to be given to noticee

Address:

Enclosed is a copy of a summons served by the IRS to examine records made or kept by, or to request testimony from, the person summoned. If you object to the summons, you are permitted to file a lawsuit in the United States district court in the form of a petition to quash the summons in order to contest the merits of the summons.

If you are the taxpayer, see important information below on the suspensions of your periods of limitation under I.R.C. section 7609(e)(1) and (e)(2).

General Directions

1. You must file your petition to quash in the United States district court for the district where the person summoned resides or is found.
2. You must file your petition within 20 days from the date of this notice and pay a filing fee as may be required by the clerk of the court.
3. You must comply with the Federal Rules of Civil Procedure and local rules of the United States district court.

Instructions for Preparing Petition to Quash

1. Entitle your petition "Petition to Quash Summons."
2. Name the person or entity to whom this notice is directed as the petitioner.
3. Name the United States as the respondent.
4. State the basis for the court's jurisdiction, as required by Federal Rule of Civil Procedure. See Internal Revenue Code Section 7609(h).
5. State the name and address of the person or entity to whom this notice is directed and state that the records or testimony sought by the summons relate to that person or entity.
6. Identify and attach a copy of the summons.

7. State in detail every legal argument supporting the relief requested in your petition. See Federal Rules of Civil Procedure. Note that in some courts you may be required to support your request for relief by a sworn declaration or affidavit supporting any issue you wish to contest.
8. Your petition must be signed as required by Federal Rule of Civil Procedure 11.
9. Your petition must be served upon the appropriate parties, including the United States, as required by Federal Rule of Civil Procedure 4.
10. At the same time you file your petition with the court, you must mail a copy of your petition by certified or registered mail to the person summoned and to the IRS. Mail the copy for the IRS to the officer whose name and address are shown on the face of this summons. See 7609(b)(2)(B).

The court will decide whether the person summoned should be required to comply with the summons request.

Suspension of Periods of Limitation

If you are the taxpayer being examined/investigated by this summons and you file a petition to quash the summons (or if you intervene in any suit concerning the enforcement of this summons), your periods of limitation for assessment of tax liabilities and for criminal prosecutions will be suspended pursuant to I.R.C. section 7609(e)(1) for the tax periods to which the summons relates. Such suspension will be effective while any proceeding (or appeal) with respect to the summons is pending. Your periods of limitation will also be suspended under section 7609(e)(2) if the summoned person fails to fully respond to this summons for 6 months. The suspension under section 7609(e)(2) will begin 6 months after the summons is served and will continue until the summoned person finally resolves the obligation to produce the summoned information. You can contact the IRS officer identified on the summons for information concerning the suspension under section 7609(e)(2). If you contact the IRS officer for this purpose, please provide the following information: (1) your name, address, home and work telephone numbers and any convenient time you can be contacted and (2) a copy of the summons or a description of it that includes the date it was issued, the name of the IRS employee who issued it, and the name of the summoned person.

The relevant provisions of the Internal Revenue Code are enclosed with this notice. If you have any questions, please contact the Internal Revenue Service officer before whom the person summoned is to appear. The officer's name and telephone number are shown on the summons.

Part D — to be given to noticee



Department of the Treasury
Internal Revenue Service

www.irs.gov

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